

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Frigg

Confirmation No.: 6817

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Application No.: 10/695,392

Group Art Unit: 3732

MAR 29 2005

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Examiner: STOKES, Candice Capri

For: BONE PLATE

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

SYNTHES (U.S.A.) is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,669,701 B2 ("the '701 Patent") by virtue of an assignment from Robert Frigg to SYNTHES (U.S.A.) that was recorded on February 25, 2003 at Reel 013792, Frame 0809.

SYNTHES (U.S.A.) is also the assignee of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/695,392) by virtue of the same assignment.

SYNTHES (U.S.A.) hereby disclaims the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of the '701 Patent, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with the '701 Patent.

SYNTHES (U.S.A.) further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

SYNTHES (U.S.A.) does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory term of the '701 Patent in the event that the '701 Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

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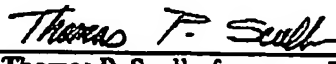
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terminally disclaimed under 37 C.F.R. 1.321(a) or (b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of Petitioner pursuant to 37 C.F.R. 1.321(b)(1)(iv).

Respectfully submitted,

Date: March 29, 2005

  
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